

**ORDINANCE NO. 2013-3**  
**AN ORDINANCE AMENDING CHAPTERS 1 AND 4**  
**OF THE EDINA CITY CODE CONCERNING DEMOLITION PERMITS**  
**AND BUILDING PERMITS FOR SINGLE AND TWO FAMILY DWELLING UNITS**

**THE CITY COUNCIL OF EDINA ORDAINS:**

**Section 1.** Chapter 4 of the Edina City Code is amended by adding Section 411 to read:

**Section 411 – DEMOLITION PERMITS AND BUILDING PERMITS FOR SINGLE AND TWO FAMILY DWELLING UNITS**

**411.01 Purpose.** Both the demolition of single or two family dwelling units and the construction of new dwelling units can disrupt the quietude of the neighborhood, damage adjacent public and private property, create storm water and erosion problems, and result in littering and other nuisances. The purpose of this Section is to prevent problems associated with the demolition of single and two family dwelling units and the construction of new dwellings.

**411.02 Definitions.** The following words and terms, whenever they occur in this Section, are defined as follows.

*Demolition:* The removal or destruction of more than fifty percent (50%) of the area of the exterior walls of a single or two family dwelling unit.

*Building Permit:* A permit to construct a new single or two family dwelling unit.

**411.03 Permits.** The demolition of single or two family dwelling units is prohibited without a demolition permit issued by the Building Official pursuant to this Section. The construction of single or two family dwelling units is prohibited without a building permit issued by the Building Official pursuant to this Section and Section 410 of the City Code.

**411.04 Permit Applications.** The applicant must complete the application form(s) provided by the City, pay the permit fee(s) in the amount set forth in section 185 of the City Code, deposit the cash escrow and furnish all other documents and reports required for the permit. The application must be signed by the property owner or the owner's authorized agent.

**411.05 Permit Requirements.** Unless otherwise specifically provided the following are required for both demolition permits and building permits.

Subd. 1 The applicant must furnish the City with a certificate of insurance evidencing the following required coverage:

Commercial general liability, including XCU coverage:

Bodily Injury:	\$1,000,000 each occurrence
	\$1,000,000 aggregate products and completed operations

Property Damage:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

Comprehensive Automobile Liability (owned, non-owned, hired):

Bodily Injury:	\$1,000,000 each occurrence
	\$1,000,000 each accident

Property Damage:	\$1,000,000 each occurrence
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The minimum insurance coverage must be maintained until six (6) months after the demolition has been completed or, if a new dwelling is being constructed, a certificate of occupancy has been issued. The City must be named as an additional insured.

Subd. 2 The applicant must furnish the City a cash escrow of Two Thousand Five Hundred (\$2,500) Dollars. A single escrow is required for both a demolition permit and building permit. The City may draw on the cash escrow to reimburse the City for the repair of damage to public property or to remedy permit violations. If the City draws on the cash escrow, upon the City's demand the permit holder must deposit in escrow additional funds to restore the escrowed amount to Two Thousand Five Hundred (\$2,500) Dollars. The cash escrow must remain in place until the work under the permit for which the escrow was made has been completed.

Subd. 3 Based upon soil types, topography, the location of adjacent structures and other pertinent information, the Building Official shall determine if a soils investigation report is necessary. If the Building Official determines that a soils report is necessary, the applicant shall have a soil report prepared and signed by a licensed professional soil scientist or licensed professional engineer. The report must provide detailed plans to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The report must be approved by the Building Official. The permit holder must adhere to the approved plan.

Subd. 4 Before a permit is issued, the Building Official must photograph the existing condition of the property, curbs, sidewalks, streets, boulevard and trees adjacent to the property.

Subd. 5 For a demolition permit, at least fifteen (15) days before demolition commences, the permit holder must provide written notification to all property owners within three hundred (300) feet of the demolition site notifying the property owners of the proposed demolition and building plans, if applicable, and invite them to a neighborhood meeting. The neighborhood meeting must be held at least five (5) days before demolition commences. A sign must also be posted on the demolition site at least five (5) days before demolition commences identifying the nature of the demolition, the permit holder, a contact name and phone number, and the site address. The sign must also provide a City phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five (5) and six (6) square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until the completion of demolition.

Subd. 6 For a building permit, a sign must be posted on the permit site at least five (5) days before construction commences identifying the nature of the construction, the permit holder, a contact name and phone number, and the site address. The sign must also provide a City phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five (5) and six (6) square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until a certificate of occupancy has been issued.

Subd. 7 For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the City Engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden storm water runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

#### **411.06 Permit Standards for Both Demolition Permits and Building Permits.**

Subd. 1 The permit holder must comply with the State Building Code, State Statutes and the City Code, including City Code Sections 410, 415, 425 and 830.

Subd. 2 Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited except between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on Saturday.

Subd. 3 The permit holder must repair any damage to public property, streets, and sidewalks. If damage occurs to the foregoing, it must be repaired within three (3) working days after the damage occurs, unless the permit holder has received written permission from the Building Official to delay repairs to a later specified date.

Subd. 4 The permit holder must maintain a five-foot (5') parking setback from driveways and a thirty-foot (30') parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within twelve (12) inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minnesota Statutes § 168B.035. On street parking of equipment other than licensed motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- a. On a boulevard between the sidewalk and roadway;

- b. Within five (5) feet of the intersection of any public or private driveway or alley with any street or highway;
- c. Where the vehicle will block a fire escape or the exit from any building;
- d. Where temporary signs prohibit parking.

Parking is allowed on local streets if a twelve-foot (12') wide area is open for the traveled portion of the road. On collector and arterial roadways, a minimum of twenty-two feet (22') must be open for the traveled portion of the road. Off-street and off-site parking for on site workers is required to the extent practicable.

Subd. 5 The permit holder must install and maintain a rock entrance pad or its equivalent at each location where vehicles enter or exit the construction site, at locations approved by the Building Official.

Subd. 6 The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must keep streets, sidewalks, boulevard areas and adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within twenty four (24) hours after it becomes inoperable or is no longer in use. Where work on any project lies within areas of pedestrian traffic or vehicular traffic, the project area must be cleaned and swept and all materials related to the project must be stockpiled in appropriate areas. Debris must be contained on the project site. No material may be deposited or stockpiled on the public streets, boulevards, sidewalks or adjacent property. At the end of each working day, the permit holder must remove any soil, trash or debris that washed or was deposited on any public sidewalk or street and must remove any trash or debris that washed or was deposited on any adjacent property.

Subd. 7 Dust control is the responsibility of the permit holder. The permit holder must eliminate dust problems immediately upon receiving notice from the Building Official that there is a dust problem.

Subd. 8 No building material, temporary sanitary facilities, dumpster or equipment may be placed within street right-of-way, or on a sidewalk. Motor vehicles may not be parked or stopped on a sidewalk. Public sidewalks must be left open and unobstructed at all times.

Subd. 9 Prior to commencing demolition, protective fencing approved by the Building Official must be installed around boulevard trees and trees that will not be removed.

**411.07 Stop Work Orders.** If the Building Official finds any work being performed in a dangerous or unsafe manner or that is in violation of the provisions of the permit, City Code or the State Building Code, the Building Official may issue a stop work order. The stop work order must be in writing and issued to the permit holder or the person doing the work. Upon issuance of a stop work order, the cited work must immediately cease. The stop work order must state the reason for the order and the conditions under which the cited work will be permitted to resume.

411.08 **Misdemeanor.** Violations of this Section or of the terms of approval of a permit issued under this Section are a misdemeanor.

**Section 2.** Chapter 1 of the Edina City Code is amended by adding the following fee:

<u>section</u>	<u>subsection</u>	<u>purpose of fee or charge</u>	<u>amount</u>
411	411.03	demolition permit for single and two family dwelling units	\$1,500.00

**Section 3.** This ordinance is effective upon passage. This ordinance does not apply to applications that have been approved or that are pending before its effective date.

First Reading: April 2, 2013  
Second Reading: Waived  
Published: May 2, 2013

Attest

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Debra A. Mangen, City Clerk

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James B. Hovland, Mayor